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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,415	02/19/2002	James Aweya	57983.000061	2130
7590 07/26/2005		EXAMINER		
Thomas E. Anderson Hunton & Williams 1900 K Street, N.W. Washington, DC 20006-1109			SURYAWANSHI, SURESH	
			ART UNIT	PAPER NUMBER
			2115	
, g , _			DATE MAILED: 07/26/2003	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Application No. Applicant s Art Unit Suresh K. Suryawanshi 2115	- 1		L A 10 10 10	1				
Examiner Suresh K. Suryawanshi 2116 2-7 The MAILING DATE of this communication appears on the cover sheet with the correspondence addressPeriod for Repty A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM MILE AND THE MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICATION. A SHORTENDE STATUTORY WILL BE A SHORTENDE STATUTORY OF THIS SET OF THIS COMMUNICATION. A SHORTENDE STATUTORY OF THE STATUTORY OF THIS COMMUNICATION. A SHORTENDE STATUTORY OF THE STATUTORY OF THIS COMMUNICATION. A SHORTENDE STATUTORY OF THE STATUTORY OF THIS COMMUNICATION. A SHORTENDE STATUTORY OF THE STATUTORY OF THIS COMMUNICATION. A SHORTENDE STATUTORY OF THE STATUTORY OF THIS COMMUNICATION. A SHORTENDE STATUTORY OF THIS CO			Application No.	Applicant(s)				
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DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 3. Claims 10 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
- 4. Claims are not limited to tangible embodiments. In view of applicant's disclosure, specification [page 13, lines 11-15; page 15, line 19 -- page 16, line 5; page 33, lines 4-8], the medium is not limited to tangible embodiments, instead being defined as including intangible embodiments [e.g., carrier wave or signals]. As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bleiweiss et al (US Patent No 5,970,107¹; hereinafter Bleiweiss).
- 7. As per claim 1, Bleiweiss discloses a method for synchronizing clocks in a network [col. 1, lines 31-35], the method comprising the steps of:

receiving a first timestamp and a second timestamp each indicating a respective time instance within the network [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; time stamps of the remote clock and local clock];

measuring a first time interval between the first timestamp and the second timestamp as determined by a first clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; determining the slope of time stamps of the remote clock];

¹ Prior art cited by applicants in the information disclosure statement (dated 7/14/05).

measuring a second time interval between the first timestamp and the second timestamp as determined by a second clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; determining the slope of time stamps of the local clock];

generating a difference signal representing a difference between the first time interval and the second time interval [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; forming the difference between the slope of the time stamps of the remote clock and the slope of the time stamps of the local clock];

filtering the difference signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; filtering the difference signal to generate a frequency adjustment signal]; and

generating the second clock signal based upon the difference signal such that the second clock signal is synchronized with the first clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; adjusting the frequency of the local clock according to the magnitude of the frequency adjustment signal].

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8. As per claim 11, Bleiweiss discloses an apparatus for synchronizing clocks in a network [col. 1, lines 31-35], the apparatus comprising:

a receiver for receiving a first timestamp and a second timestamp each indicating a respective time instance within the network [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; time stamps of the remote clock and local clock]; and

a phase-locked loop associated with the receiver [col. 7, line 64 -- col. 8, line 1; PLL], the phase-locked loop comprising:

a first differencing element for measuring a first time interval between the first timestamp and the second timestamp as determined by a first clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; determining the slope of time stamps of the remote clock];

a second differencing element for measuring a second interval between the first timestamp and the second timestamp as determined by a second clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; determining the slope of time stamps of the local clock];

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a third differencing element for generating a difference signal representing a difference between the first time interval and the second time interval [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; forming the difference between the slope of the time stamps of the remote clock and the slope of the time stamps of the local clock];

a filter for filtering the difference signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; filtering the difference signal to generate a frequency adjustment signal]; and

a variable oscillator for generating the second clock signal based upon the filtered difference signal such that the second clock signal is synchronized with the first clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; generating the local clock according to the magnitude of the frequency adjustment signal].

9. As per claim 20, Bleiweiss discloses an article of manufacture for synchronizing clocks in a network [col. 1, lines 31-35], the article of manufacture comprising:

at least one processor readable carrier [col. 5, lines 46-51; a processor executing instructions; col. 8, lines 55-57; FIFO; col. 9, line 34 -- col. 10, line 9; executing code or software implementation; col. 1, lines 39-53; inherent to the system]; and

instructions carried on the at least one carrier [col. 5, lines 46-51; a processor executing instructions; col. 8, lines 55-57; FIFO; col. 9, line 34 -- col. 10, line 9; executing code or software implementation; col. 1, lines 39-53; inherent to the system];

wherein the instructions are configured to be readable from the at least one carrier by at least one processor [col. 5, lines 46-51; a processor executing instructions; col. 8, lines 55-57; FIFO; col. 9, line 34 -- col. 10, line 9; execution of codes or software implementation by a processor] and thereby cause the at least one processor to operate so as to:

receive a first timestamp and a second timestamp each indicating a respective time instance within the network [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; time stamps of the remote clock and local clock];

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measure a first time interval between the first timestamp and the second timestamp as determined by a first clock signal [col. 2, lines 51-59, col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; determining the slope of time stamps of the remote clock];

measure a second time interval between the first timestamp and the second timestamp as determined by a second clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; determining the slope of time stamps of the local clock];

generate a difference signal representing a difference between the first time interval and the second time interval [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; forming the difference between the slope of the time stamps of the remote clock and the slope of the time stamps of the local clock];

filter the difference signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; filtering the difference signal to generate a frequency adjustment signal]; and

generate the second clock signal based upon the difference signal such that the second clock signal is synchronized with the first clock signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; generating the local clock according to the magnitude of the frequency adjustment signal].

- 10. As per claims 2 and 12, Bleiweiss discloses delaying the first timestamp by a first delay amount so as to measure the first time interval between the first timestamp and the second timestamp as determined by the first clock signal [col. 5, lines 2-5, time difference between current and previous time stamps of the remote clock].
- 11. As per claims 3 and 13, Bleiweiss discloses disclose delaying the first timestamp by a second delay amount so as to measure the second time interval between the first timestamp and the second timestamp as determined by the second clock signal [col. 5, lines 2-5; time difference between current and previous time stamps of the local clock].
- As per claims 4 and 14, Bleiweiss discloses disclose that the first delay amount and the second delay amount are substantially equal delay amounts [col. 5, lines 2-5; clearly the first delay amount and the second delay amount will be same when the second clock in synchronism with the first clock].

- 13. As per claims 5 and 15, Bleiweiss discloses initializing the difference signal prior to receiving the first timestamp and the second timestamp [col. 12, lines 46-67; inherent to the system as the difference signal will be reset prior to forming a new difference signal].
- 14. As per claims 6 and 16, Bleiweiss discloses filtering the difference signal comprises filtering the difference signal with a low pass filter such that the second clock signal is synchronized with the first clock signal based upon the filtered difference signal [col. 12, lines 52-58; filtering the difference signal; col. 9, lines 6-10; loop filter].
- 15. As per claims 7 and 17, Bleiweiss discloses disclose initializing the filtered difference signal prior to receiving the first timestamp and the second timestamp [col. 12, lines 46-67; inherent to the system as the filtered difference signal will be reset prior to receiving a new set of time stamps].
- 16. As per claims 8 and 18, Bleiweiss discloses controlling the period of a digitally controlled oscillator based upon the difference signal [col. 2, lines 51-59; col. 3, lines 2-8; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; generating the local clock according to the magnitude of the frequency adjustment signal].

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As per claims 9 and 19, Bleiweiss discloses converting the difference signal from a digital difference signal value into analog difference signal value and controlling the period of a voltage controlled oscillator based upon the analog difference signal value [col. 2, lines 51-59; col. 3, lines 40-43; an analog PLL; col. 5, lines 2-11; col. 8, line 53 -- col. 9, line 5; col. 12, lines 46-67; generating the local clock according to the magnitude of the frequency adjustment signal].

18. As per claim 10, Bleiweiss discloses a computer signal embodied in a carrier wave readable by a computing system and encoding a computer program of instructions for executing a computer process performing the method recited in claim 1 [col. 5, lines 46-51; a processor executing instructions; col. 8, lines 55-57; FIFO; col. 9, line 34 -- col. 10, line 9; executing code or software implementation; col. 1, lines 39-53; inherent to the system].

Response to Arguments

19. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh K. Suryawanshi whose telephone number is 571-272-3668. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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